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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 ROGER HUDON,

11 Petitioner,

12 vs.

13 STATE OF NEVADA, *et al.*,

14 Respondents.  
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3:06-cv-0570-JCM-VPC

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17 **ORDER**  
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23 This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, by  
24 Roger Hudon, a Nevada prisoner represented by counsel. The court received petitioner's habeas  
25 petition on October 25, 2006. (Docket #1). On November 3, 2006, the court appointed the federal  
26 public defender to represent petitioner in this habeas action. (Docket #3). Through counsel,  
petitioner filed the amended habeas petition on October 26, 2007. (Docket #20). Respondents filed  
a motion to dismiss the petition on January 24, 2008. (Docket #36).

On February 11, 2008, Assistant Federal Public Defender Linda Marie Bell filed an *ex parte* motion to withdraw as counsel for petitioner. (Docket #40). Counsel contends that petitioner Hudon has made representation difficult because he has filed *pro se* documents in this case, including two letters to the court (Docket #34 and #35) and exhibits with a cover note (Docket #38), apparently in opposition to the pending motion to dismiss. The court has determined that

1 petitioner's counsel has not shown good cause to withdraw from representation. *See* Local Rule IA  
2 10-6. Counsel's withdrawal at this stage of the proceedings would undoubtedly prejudice petitioner.  
3 Therefore, counsel's *ex parte* motion to withdraw will be denied and a deadline will be set for  
4 counsel to oppose the pending motion to dismiss. Further, counsel's request for a hearing is denied  
5 as unnecessary.

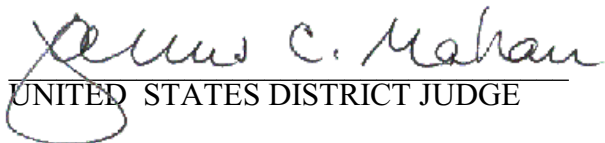
6 With respect to respondents' motion to strike Mr. Hudon's *pro se* exhibits with cover  
7 note, the motion is granted, as documents filed on behalf of petitioner must be signed by his counsel  
8 of record. Fed. R. Civ. P. 11.

9 **IT IS THEREFORE ORDERED** that counsel's *ex parte* motion to withdraw as  
10 counsel for petitioner (Docket #40) is **DENIED**.

11 **IT IS FURTHER ORDERED** that petitioner's counsel is **GRANTED twenty days**  
12 from the date of entry of this order to file a response to the motion to dismiss. Respondents' reply, if  
13 any, shall be file within **eleven days** after service of the response.

14 **IT IS FURTHER ORDERED** that respondents' motion to strike (Docket #43) is  
15 **GRANTED**. Petitioner Hudon's *pro se* filing, exhibits with a cover note (Docket #38), is  
16 **STRICKEN** from the record.

17 Dated, this 10 day of April, 2008.

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20 UNITED STATES DISTRICT JUDGE  
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